

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

NOAH ROBERT CALDERON

No. 4:23-CR-136-O

**FACTUAL RESUME**

**SUPERSEDING INFORMATION:**

Count One: Possession of an Unregistered Firearm in Violation of 26 U.S.C §§ 5841, 5861(d) and 5871

Count Two: Receipt of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)

**PLEA:**

Count One: Possession of an Unregistered Firearm in Violation of 26 U.S.C §§ 5841, 5861(d) and 5871

Count Two: Receipt of Child Pornography in violation of 18 U.S.C. § 2252A(a)(2)

**PENALTIES:**

Count One:

- a. imprisonment for a period not more than 10 years;
- b. A fine not to exceed \$250,000, or twice the pecuniary gain or twice the pecuniary loss to any victim, or both a fine and imprisonment;
- b. a term of supervised release of not more than three years, which may be mandatory under the law and will follow any term of imprisonment. If the Defendant violates the conditions of supervised release, he could be imprisoned an additional term;

- c. a mandatory special assessment of \$100; and
- e. restitution to victims or to the community.

Count Two

- a. imprisonment for a period not less than five years, and not to exceed 20 years;
- b. a fine not to exceed \$250,000, or twice any pecuniary gain to the defendant or loss to the victim(s);
- c. restitution of not less than \$3,000 per victim, which is mandatory under the law pursuant to 18 U.S.C. § 2259, and which the defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone;
- d. a mandatory special assessment of \$ 100;
- e. An assessment, pursuant to 18 U.S.C. § 2259A, for no more than \$35,000
- f. An additional mandatory special assessment of \$5,000 pursuant to 18 U.S.C. § 3014, unless the Court finds the defendant to be indigent;
- g. a term of supervised release of at least five years up to any term of years to life, which is mandatory under the law and will follow any term of imprisonment. If the defendant violates any condition of the term of supervised release, the Court may revoke such release term and require that the defendant serve an additional period of confinement;
- h. registration as a sex offender; and
- i. costs of incarceration and supervision.

ESSENTIAL ELEMENTS OF THE OFFENSES:

To establish the offense alleged in Count One of the Superseding Information, the government must prove the following elements beyond a reasonable doubt:

- First: That the defendant knowingly possessed a firearm;
- Second: That this firearm was a destructive device;
- Third: That the defendant knew of the characteristics of the firearm that made it a destructive device;
- Fourth: That this firearm was or could readily have been put in operating condition; and
- Fifth: That this firearm was not registered to the defendant in the National Firearms Registration and Transfer Record. It does not matter whether the defendant knew that the firearm was not registered or had to be registered.

To establish the offense alleged in Count Two of the Superseding Information, the government must prove each of the following elements beyond a reasonable doubt:

- First.* That the defendant did knowingly receive an item of child pornography as charged in the Superseding Information;
- Second.* That the item of child pornography had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; and
- Third.* That when defendant received the item, the defendant knew the item was child pornography.

**STIPULATED FACTS**

1. On or about April 17, 2023, in the Fort Worth Division of the Northern District of Texas, defendant, **Noah Robert Calderon**, knowingly possessed a firearm, to wit, a destructive device, which was not registered to him in the National Firearms Registration and Transfer Record, in violation of 26 U.S.C §§ 5841, 5845, 5861(d) and 5871.

2. In March 2023, FBI received reports that Calderon had detonated a homemade bomb in Burleson, Texas. FBI obtained a search warrant for Calderon's Google account and found several searches inquiring about how to make bombs and explosives. FBI also obtained records showing that Calderon had purchased explosives precursors from online sources. On April 17, 2023, agents executed a federal search warrant at **Calderon's** residence. In the garage area, agents located a brown shoe box that contained a lighter, cannon fuse, carboard tubing, a glass jar marked "frag," which contained metal bb's and lead, a glass jar marked "lift," a hot-glue gun, a funnel, and measuring spoons. Near the carboard box was a white plastic container with 659.2 grams of explosive powder (a mixture of potassium perchlorate and aluminum powder).

3. On April 18, 2023, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) was provided photographs and biographical information of **Calderon** to conduct a determination about the nature of the explosives and conduct National Firearms Registration and Transfer Record records checks. The ATF determined that the items located in the garage area and possessed by **Calderon** constituted a "destructive

device” as defined in 26 U.S.C § 5845(f) and that no destructive devices had been registered to **Calderon** in the National Firearms Registration and Transfer Record.

4. Between on or about June 21, 2020, and on or about July 18, 2020, in the Northern District of Texas and elsewhere, defendant **Noah Robert Calderon**, did knowingly receive child pornography using any means and facility of interstate and foreign commerce.

5. Specifically, **Calderon** used the Internet and a Galaxy S10+ cell phone and a Galaxy S21+ 5G cell phone, to receive the following visual depictions of minors engaging in sexually explicit conduct as defined by 18 U.S.C. § 2256(8)(a):

File/Device	Creation date	Description of Video File
mobizen_20200621_214621.mp4 Galaxy S10+	June 21, 2020	Minor female shows breasts and masturbates under panties. Calderon masturbates.
mobizen_20200718_234403.mp4 Galaxy S10+ & Galaxy S21+ 5G	July 18, 2020	Calderon masturbates. Minor female masturbates, performing digital penetration on nude vagina.

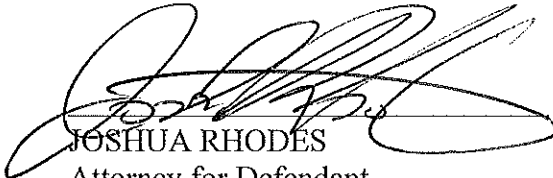
6. While conducting a search of **Calderon's** cell phones pursuant to a search warrant, FBI agents discovered the two videos described above which depicted events occurring during video chats between **Calderon** and a minor female. Using open-source media, agents identified the minor female depicted in the videos and determined that she was 13 years old at the time the recordings were made. Investigators contacted the minor

female and her parents and verified her age and that it was her in the videos. The minor female lived outside the state of Texas when the video chats took place and **Calderon** was aware of her age at the time.

7. The defendant agrees that he committed all the essential elements of the offenses charged in Counts One and Two of the Superseding Information. This factual resume is not intended to be a complete accounting of all the facts and events related to the offenses charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One and Two of the Superseding Information.

SIGNED on this 5<sup>th</sup> day of July, 2023.

NOAH ROBERT CALDERON  
NOAH ROBERT CALDERON  
Defendant

  
JOSHUA RHODES  
Attorney for Defendant